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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,684	09/27/2001	Yoshinori Kano	492322002100	9009
7590 03/25/2005 Barry E. Bretschneider Morrison & Foerster LLP 1650 Tysons Blvd. Ste. 300 McLean, VA 22102-3915			EXAMINER PRONE, JASON D	
			ART UNIT 3724	PAPER NUMBER
DATE MAILED: 03/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

8W

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/963,684	Applicant(s) KANO ET AL.	
	Examiner Jason Prone	Art Unit 3724	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


 Allan N. Shoap
 Supervisory Patent Examiner
 Group 3700

Continuation of 11. does NOT place the application in condition for allowance because: During the interview on 29 January 2003, see attached interview summary, it was requested that a revised copy of Figure 2 be submitted to be consistent with then Figure 3, however, at the time of this interview the topic of a plurality of fins was not an issue and was not the reason a revised Figure 2 was requested. The topic of a plurality of fins was never discussed because a plurality of fins was not claimed at the time. The drawings are very confusing and inconsistent from one another. Applicant states that Figure 3A provides support for the plurality of fins by showing five heat fins. In Figure 3A, item 71 (heat dissipation fin) is pointing to a single structure resembling a rectangle missing a corner and in Figure 1, item 71 is pointing to a different area of that same single rectangular-like structure leading the examiner to believe that the rectangular-like structure is the fin. Also, the statement on page 6 lines 14-21 only discloses a single fin. So together, Figures 1 and 3A with page 6 lines 14-21, clearly only disclose a single fin. Also, Figures 2 and 3B show item 71 pointing at a single structure as well. Therefore, the disclosure of a plurality of fins as new matter in the rejection remains. Applicants argument that Figure 3A clearly shows five heat dissipation fins 71 standing on the right sidewall in Figure 3A, proves the examiners point that the Figures are extremely confusing. Figure 2 clearly shows a single heat dissipation fin on the interior wall of the unit base. Therefore, the rejections regarding the uncertainty of the structure and location of the additional fins and the placement of the fins relative to a sidewall remain. It is old and well known that any type of fin-like structure projecting off of a base structure is capable of performing a heat dissipating function. Looking at Figure 2 of 61-239696, item "23" clearly has a fin-like structure and is perfectly capable of acting as a fin to the base structure 15. Regardless of the disclosed function, item 23 is capable of dissipating some amount of heat.